IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

-

WRIT PETITION NO.17582 of 1995

Between:

Javvadi Ramakrishna, S/o Talupulu, Hindu,

Aged about 45 years, resident of Kotauratla village,

Post and Mandal, Visakhapatnam District.

..... PETITIONER

AND

1. The Government of A.P., Industries and Commerce (S.II) Department, rep. by its Secretary, Secretariat building, Hyderabad.
2. The Commissioner and Director of Sugar, Andhra Pradesh, Hyderabad.
3. The Managing Director, Etikoppaka Cooperative Agricultural and Industrial Society Limited, Etikoppaka, S. Rayavaram Mandal, Visakhapatnam District.
4. Vedulla Appalaraju, S/o Bulli Appanna, Bye pass road, Yellamanchili Post and Mandal, Visakhapatnam District.
5. The District Collector (Person-in-charge), Etikoppaka Cooperative Agricultural and Industrial Society Limited, Etikoppaka,
   S. Rayavaram Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the 1st respondent in setting aside the proceedings of the 2nd respondent made in Rc.No.31081/92/G3, dated 09.02.1993 and restoring the membership to the 4th respondent as member of Etikoppaka Cooperative Agricultural and Industrial Society Limited, Etikoppaka, S. Rayavaram Mandal, Visakhapatnam District vide its proceedings in G.O. Rt. No.609, dated 15.07.1995 as illegal, malafide, arbitrary and without jurisdiction of the 1st respondent.

Counsel for the Petitioner: MR. M. CHANDRASEKHAR REDDY

Counsel for the Respondent No.1 and 2: GP FOR INDUSTRIES AND COMMERCE.

Counsel for the Respondent Nos.3 and 5: Mr. SR. Ashok.

Counsel for the Respondent No.4: MR.NUTY RAM MOHAN RAO

The Court made the following:

ORDER:

This writ petition is filed questioning the orders passed by the 1st respondent-Government in G.O. Rt. No. 609, Industries and Commerce (S.II) Department, dated 15.07.1995, in exercise of powers under Section 77 of the Andhra Pradesh Co-operative Societies Act, 1964 (for brevity 'the Act').

The petitioner was a member of 3rd respondent-Cooperative Society, a Society registered under the Act. The 4th respondent was also a member of the said Society and the Society passed an order of expulsion of his membership exercising the powers under Section 23 of the Act. The said orders were assailed by the 4th respondent before the 2nd respondent by filing an appeal under Section 76 of the Act. The said appeal was rejected, on which the 4th respondent has further carried the matter in revision before the 1st respondent-Government under Section 77 of the Act. On the revision filed by the 4th respondent, this impugned order came to be

passed by the 1st respondent-Government allowing the revision petition while setting aside the order of expulsion.

In this writ petition, it is submitted by the learned counsel for petitioner that no revision was preferred by the 4th respondent before the 1st respondent-Government and in the absence of which, the 1st respondent-Government have passed the orders in exercise of revisionary powers. In the counter-affidavit filed by the 4th respondent, in paragraph 11, he clearly stated that he has presented a revision petition before the 1st respondent-Government on 24.05.1993 by enclosing a Challan No.299, dated 18.05.1993 for a sum of Rs.50/- drawn at Government Treasury, Yalamanchili.

Even in the impugned order a reference was made to the revision petition preferred by the 4th respondent on 24.05.1993. In view of the said reference and further in view of the particulars furnished by the

4th respondent with regard to filing of revision and payment of necessary fees by challan, it cannot be said that no revision was preferred by the

4th respondent. From the records it discloses that the 4th respondent filed revision petition on 24.05.1993 and in that view of the matter and no other ground is urged in the writ petition, I see no valid reasons to interfere with the order of the 1st respondent-Government.

The writ petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

R. SUBHASH REDDY, J.

Date: 25.02.2005

Nsr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Government of A.P., Industries and Commerce (S.II)

Department, Secretariat building, Hyderabad.

2. The Commissioner and Director of Sugar, Andhra Pradesh, Hyderabad.

3. The Managing Director, Etikoppaka Cooperative Agricultural and

Industrial Society Limited, Etikoppaka, S. Rayavaram Mandal,

Visakhapatnam District.

4. The District Collector (Person-in-charge), Etikoppaka Cooperative

Agricultural and Industrial Society Limited, Etikoppaka,
S. Rayavaram Mandal, Visakhapatnam District.

5 Two CCS to GP for Industries and Commerce, High Court of AP,

Hyderabad (OUT)

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